

79-101

Series

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13 February 1979

DD/A Registry

MEMORANDUM FOR: General Counsel

FROM: John H. Waller
Inspector General

SUBJECT: Role of the Inspector General in
Conflict of Interest Situations

DD/A Registry

File

Legal

1. Because it will be my office which is called upon to handle grievances lodged by persons later accused of infractions of the Ethics in Government Act, I do not believe I should be placed in a position to routinely judge and certify that no conflicts of interest exist, as suggested by you.

2. Moreover, I could not, with good conscience, certify any statement as raising no conflict of interest question under the new law without investigating it, and currently I do not have a staff large enough to conduct such investigations routinely. The home component, which is most familiar with the activities of its supergrade officers and can most easily spot a possible conflict of interest problem, should, in my opinion, check and certify in the first instance. My office would investigate only those situations in contention, i.e., when the component and the officer disagree as to what constitutes a conflict of interest or situations in which the component suspects conflict of interest. Our role then would be to collect and verify the relevant facts on the basis of which the General Counsel could make a legal judgement and certify a submission as legal if it appears to be so.

3. The Inspector General traditionally has, for good reason, stayed out of any routine line command function, so that it could maintain its freedom and objectivity to investigate complaints and grievances in behalf of the DCI. We must remain a court of last resort, so to speak. Routine review and investigation should be performed by the component and we would investigate to provide data for OGC's judgement and certification only in those instances in which the component finds reason to suspect conflict of interest or a person feels himself unfairly accused of conflict of interest.

4. In view of the above, you may wish to change the recommendation concerning the Inspector General in the attached. If not, I would appreciate your sending this memorandum along with your own to the DDCI and the DCI.

[Redacted Signature Box]

John H. Waller

Attachment - 1

cc: DDA w/o att